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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/514,843	02/28/2000	Terry Lynn Cole	2000.036100	9375

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WILLIAMS, MORGAN & AMERSON, P.C.  
10333 RICHMOND, SUITE 1100  
HOUSTON, TX 77042

EXAMINER
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BOCURE, TESFALDET

ART UNIT	PAPER NUMBER
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2631

DATE MAILED: 07/18/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/514,843

Applicant(s)

COLE ET AL.

Examiner

Tesfaldet Bocure

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 28 February 2000.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 and 11-27 is/are rejected.
- 7) ☒ Claim(s) 9 and 10 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                       | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)              | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>4</u> . | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### *Information Disclosure Statement*

The Examiner has approved the information disclosure statement received on 3/23/01 and, the initialed copy (one copy) of the 1449 is attached with this correspondence.

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1,11-13,16 and 23-25 are rejected under 35 U.S.C. 102(b) as being anticipated by **Weaver et al.** (US patent number 4,882,754).

**Weaver et al.** (**Weaver** hereinafter) teaches a transmission system having a transmitter (fig.1) and a receiver (fig.2), wherein the transmitter comprising: a transmitter buffer (36); a buffer fullness detecting circuit (44) for detecting the buffer fullness; compressing the data to be transmitted (28 and 29); and truncating circuit (24) for truncating portion of the signal to be transmitted according to the determined buffer fullness as in claims 1,11-13, 16 and 23-25.

Further to claims 1,11,16 and 23, Weaver also teach that the receiver having means for reformatting, claimed reconstructing, the received signal (see col. 6, lines 45-55).

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***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 2-5,3-7,14,15,17-22 and 26-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Weaver et al.** (US patent number 4,882,754).

**Weaver et al.** (**Weaver** hereinafter) teaches the claimed subject matter in claims 1,11-13,16 and 23-25 as indicated above (See paragraph 2 above).

Further to claims 4,5,6,7,14,15,19,20,21,22 and 27, **Weaver** also teaches that the transmitter transmits the information pertaining to the scaling and truncation of the data sample to the receiver, and the receiver uses the received information to deformat,

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claimed reconstituting and decompressing, the samples truncated and compressed by the transmitter. However **Weaver** fails to teach that (see starting line 48 in col. 5 through col. Line 55):

deleting selected samples in contiguous blocks of the buffered data within the buffer as in claims 2 and 17;

deleting selected samples by every nth sample of the buffered data within the buffer as in claim 3 and 18; recording the locations of a starting and ending point defining the continuous block being deleted as in claims 4,14,19 and 26;

reconstituting the selected samples of data deleted based in part upon the recorded locations as in claims 5,15,20 and 27;

recording the locations of a starting and ending point defining the nth samples being deleted as in claims 6 and 21; and reconstituting the selected samples of data deleted based in part upon the recorded locations as in claims 7 and 22.

As to the claimed deleting every nth sample and deleting in contiguous block in claims 2,3,17,18 and as disclosed there is no criticality shown in the disclosure therefore, the truncation of Weaver will still be able to minimize the overfullness of the buffer at the transmitter and still be able to reconstruct the sample at the receiver.

Therefore, it would have been obvious to one of an ordinary skill in the art to use the information pertaining to the truncated part of the sampled transmitted to receiver for reconstructing the truncated information at the time the invention was made.

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6. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Weaver et al.** (US patent number 4,882,754) in view of **Mirfakhraei** (US patent number 6,570,912).

**Weaver** teaches the claimed subject matter in claim 1 as indicated above (See paragraph 2 above).

What Weaver fails to teach is that the receiver having a symbol alignment (388) and time equalizer (370) as in claim 8.

**Mirfakhraei** for the same endeavors as the instant application and that of **Weaver** teaches a transmission system for transmitting voice and data comprising symbol alignment and time equalizer circuit.

Therefore it would have been obvious to one of an ordinary skill in the art to use time aligning and equalizing circuit in the receiver of **Weaver** to align the timing of the and equalize the received signal at the time the invention was made.

#### ***Allowable Subject Matter***

7. Claims 9 and 10 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### ***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. US patent number s 5,365,552, 5,450,132 and 5,929,927 issued

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to Astle, Harris et al., Rumreich et al. respectively disclose a transmission system for controlling the rate of transmission of data by detecting and controlling the buffer fullness.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tesfaldet Bocure whose telephone number is (703) 305-4735. The examiner can normally be reached on Mon-Thur (7:30a-5:00p) & Mon.-Fri (7:30a-5:00p).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chi Pham can be reached on (703) 305-4378. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 305-3988 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.

T. Bocure  
July 15, 2003

Tesfaldet Bocure  
Primary Examiner  
Art Unit 2631

